

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	ORDER OF
)	
or Suspension of the Educator)	SUMMARY SUSPENSION
)	
Certification of Brian C. Livingston,)	
)	
Certificate 205029)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on October 12, 2005. In accordance with S.C. Code Ann. §1-23-370(c) (2004), the State Department of Education (Department) requested that the State Board summarily suspend the educator certificate of Brian C. Livingston, interim certificate 205029, as a result of his arrest on charges of committing a lewd act upon a child under sixteen. The Department has reason to believe that, due to the nature of the allegations of misconduct against Mr. Livingston, he may pose a threat to the health, safety, or welfare of students that may be under his instruction. After considering the evidence presented by the Department, the State Board voted to summarily suspend Mr. Livingston's certificate until a due process hearing is held and/or this matter is otherwise resolved. The Department is directed to send a notice to Mr. Livingston of the summary suspension, as well as the possible suspension or revocation of his educator certificate, by certified mail, return receipt requested, delivery restricted to addressee.

FINDINGS OF FACT

Mr. Livingston holds an expired South Carolina one-year interim certificate (2001-02), and previously participated in the alternative certification program. He did not complete the program requirements. During the 2004-05 school year, Mr. Livingston served as a substitute teacher at Kingstree Senior High School in Williamsburg County School District (District). On February 23, 2005, Mr. Livingston was arrested for Committing Lewd Act Upon a Child Under

Sixteen. Mr. Livingston admitted that while serving as a substitute teacher, he inappropriately touched a female student on the neck, shoulders and breast.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes unprofessional conduct, immorality, crime against the law of this State or the United States and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (1992). In accordance with S.C. Code Ann. § 1-23-370(c) (2004), "If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." The State Board finds that there is reason to believe that Mr. Livingston may pose a threat to the welfare of students that may be under his instruction. Accordingly, the State Board thereby summarily suspends Mr. Livingston's certificate 205029 until a due process hearing is held and/or this matter is otherwise resolved.

South Carolina State Board of Education

By: /S/ Paul M. Forrester
Paul M. Forrester
Chair

Columbia, South Carolina
October 12, 2005